

REMARKS

Claims 1, 4, 7, 10, and 16-21 remain pending. No amendments were made. Reconsideration of the claims is respectfully requested in view of the following discussion.

Rejections Under 35 U.S.C. §103

Claims 1, 4, 7, 10 and 16 - 21 remain rejected under 35 U.S.C. §103 over **Braitberg et al.** (USP 5,479,479). Although the Examiner relied upon the same prior art reference that was cited in prior Office Actions, the Examiner asserted that “new grounds of rejection” were provided. Even though “new grounds of rejection” were provided, it is submitted that the disclosures of **Braitberg** are still being misinterpreted, as applied to the present claimed invention, as explained below.

Braitberg does not teach or suggest the claimed requirement for outputting an operation start signal to a data interface part of a portable telephone set. The present claimed feature for identifying the type of portable telephone set is based on a response to an operation start signal. The Office Action referred to column 9, lines 28 - 48 of **Braitberg** for the feature of “in response to a received signal from the first section received at a data interface part of the mobile device.” However, the cited portion of **Braitberg** has nothing to do with an operation start signal or a response to an operation start signal.

In addition, the Office Action referred to the “RF data” disclosed in **Braitberg** as allegedly corresponding or disclosing the claimed “communication type” for the phone. This is incorrect.

Braitberg describes the cellular telephone as receiving RF data which may be either voiceband information or digital data/control information. If the RF data is determined to be voiceband information, it is routed by the phone to an audio output. If the RF signal is determined to be digital data, it will be handled by the microprocessor 208 or by the appropriate peripheral device connected to the cellular phone to which the RF data is directed. If the RF data is not in the format expected by the targeted peripheral device, the RF data is formatted correctly for the targeted peripheral device. *See, e.g.* column 12, line 55 - column 13, line 24.

While the Office Action alleged that such re-formatting for a peripheral device constitutes identifying the type of portable telephone communication, the format for a peripheral device has nothing to do with the communication protocol used by a portable telephone. The RF data or the format for data to be received by a peripheral device do not correspond to the claimed “communication protocol employed by the portable telephone set.” In addition, the motivation for allowing proper connection with a peripheral device (relied upon by the Examiner in modifying **Braitberg**), has nothing to do with teaching or suggesting anything regarding the communication protocol employed by the portable telephone set.

Moreover, the Office Action stated that “**Braitberg** further discloses that the type of phone varies based on the type of communication employed by the device (column 4, lines 39 - 61).” This is incorrect. The proper reading of **Braitberg** is that its invention is *applicable* to cellular telephones used within different type of communication systems. This has nothing to do with the phone being able to “vary” based on the type of communication employed. In other words, in each type of communication system, a cellular phone may employ the invention of **Braitberg** to identify the make

and model of phone that is used within that predetermined communication system. This does not at all teach or suggest a cellular phone which can check for varying communication protocols or convert between one communication protocol to another. As mentioned before, nothing in **Braitberg** discloses circuitry to modify communication protocols to switch between two different communication systems. The fact that such disclosures do not exist in **Braitberg** exemplifies the fact that the reference to different communication systems does not at all teach or suggest the identification of the communication protocol employed by the portable telephone set, as claimed.

In view of the detailed discussion above, claims 1, 4, 7, 10, and 16-21 of the present application patentably distinguish over the prior art. Accordingly, all the prior art rejections should be withdrawn. Therefore, the claims are now in condition for allowance.

An Examiner's Interview is Specifically Requested

Although an Examiner's interview was specifically requested in the Submission under 37 CFR §1.114 dated December 31, 2002, the Examiner did not contact the undersigned attorney and issued the present Office Action, continuing to rely on **Braitberg** in rejecting the claims. Again, an Examiner's Interview is hereby specifically requested. After review of the discussion above, the Examiner is respectfully requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

Request for Reconsideration

U.S. Patent Application Serial No. 09/280,699

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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